

**LAW OFFICES OF DALE K. GALIPO**

Dale K. Galipo (SBN 144074)  
E-mail: dalekgalipo@yahoo.com  
Hang D. Le (SBN 293450)  
E-mail: hlee@galipolaw.com  
21800 Burbank Blvd., Suite 310  
Woodland Hills, CA 91367  
Tel: (818) 347-3333; Fax: (818) 347-4118

*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JENNIE QUAN, individually and as  
successor in interest to BENJAMIN  
CHIN, deceased,

Plaintiffs,

vs.

COUNTY OF LOS ANGELES;  
MARISOL BARAJAS; HECTOR  
VAZQUEZ; and DOES 3-10, inclusive,

Defendants.

Case No. 2:24-cv-04805-MCS-KS

*Assigned to:*

Hon Mark C. Scarsi  
Hon. Mag. Judge Karen L. Stevenson

**PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION IN LIMINE  
NO. 3 TO PRECLUDE EVIDENCE OF  
OTHER CLAIMS, LAWSUITS,  
SETTLEMENTS, VERDICTS,  
JUDGMENTS, COMPLAINTS,  
ADMINISTRATIVE  
INVESTIGATIONS OR  
PROCEEDINGS AND/OR OTHER  
ALLEGED INCIDENTS  
CONCERNING DEFENDANTS OR  
OTHER MEMBERS OF LAW  
ENFORCEMENT AND THE LOS  
ANGELES SHERIFF'S  
DEPARTMENT**

Final Pretrial Conference:

Date: January 26, 2026

Time: 2:00 p.m.

Ctrm: 7C

Trial:

Date: February 10, 2026

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 This civil rights case arises out of the officer-involved shooting death of  
4 Benjamin Chin (“Decedent”) by Los Angeles County Sheriff’s Department Deputies  
5 Marisol Barajas and Hector Vazquez on June 19, 2023. Jennie Quan, Decedent’s  
6 mother and the plaintiff in this case, brings claims for Fourth Amendment –  
7 Excessive Force (42 U.S.C. § 1983), state law battery, state law negligence, and  
8 violation of California Civil Code section 52.1 (Bane Act). Defendants have moved  
9 to preclude Plaintiff from introducing evidence of other claims, lawsuits, settlements,  
10 verdicts, judgments, complaints, administrative investigations or proceedings, and/or  
11 other alleged incidents concerning Defendants or other law enforcement and the Los  
12 Angeles Sheriff’s Department. Defendants have also moved for the exclusion of any  
13 and all evidence and references to the administrative/internal investigation of *this*  
14 *incident*, including deputy witness statements made during the course of the  
15 investigation. For the reasons discussed herein, Plaintiff opposes Defendants’ Motion  
16 in its entirety.

17 **II. ARGUMENT**

18 **A. Defendants’ Motion is Overbroad**

19 “Motions in limine that seek exclusion of broad and unspecific categories of  
20 evidence...are generally disfavored.” *Forbes v. Cnty. of Orange*, No.  
21 SACV111330JGBANX, 2013 WL 12165672, at \*4 (C.D. Cal. Aug. 4, 2013) (citing  
22 *Sperberg v. The Goodyear Tire and Rubber Co.*, 519 F.2d 708, 712 (6th Cir. 1975)).  
23 When confronted with such a motion, courts generally “deal with questions of  
24 admissibility of evidence as they arise in actual trial as opposed to tackling the matter  
25 in a vacuum on a motion in limine.” *Id.* (cleaned up) (quoting *Sperberg*, 519 F.2d at  
26 712). Defendants’ Motion in Limine seeking general exclusion of unrelated incidents  
27 and any and all evidences and references to the administrative/internal investigation of  
28 the incident is overly broad as it fails to identify any specific evidence it seeks to

1 exclude and thus, should be denied. *See Forbes*, 2013 WL 12165672, at \*6–7  
2 (declining to rule on similar motion as overly broad and premature).

3 **B. Specific Evidence of Unrelated Incidents is Admissible**

4 Plaintiff does not intend on introducing any evidence of unrelated incidents,  
5 including claims, lawsuits, settlements, verdicts, judgments, complaints, or  
6 administrative investigations or proceedings of other, unrelated incidents. However,  
7 Plaintiff reserves the right to do so should Defendants open the door to such  
8 evidence. Additionally, while Plaintiff does not intend to introduce such evidence,  
9 tangentially related evidence may come out through expert testimony, in  
10 establishing an expert’s experience and expertise. Plaintiff should be able to elicit  
11 testimony from experts regarding their work on other use of force cases as it relates  
12 to their experience and expertise.

13 **C. Evidence of the Administrative/Internal Investigation and Statements**  
14 **Made During the Investigaion Are Admissible**

15 Evidence of the adminstrative investigation or internal investigation into *this*  
16 incident is highly relevant and probative to the issues in this case. Statements made  
17 by witnesses, including defendant deputies and other LASD deputies, regarding the  
18 incident were the freshest when they were made shortly after the incident during the  
19 administrative investigation. Over time, witnesses are unable to recall certain facts  
20 they were able to recall in detail shortly after the event occurred. Thus, these  
21 statements may help refresh a witness’s recollection or impeach the witness on  
22 divergent facts testified to under oath. *See Alvarez v. King Cnty.*, No. C16-0721RAJ,  
23 2017 WL 3189025, at \*6–7 (W.D. Wash. July 27, 2017) (officer statements made  
24 during the course of the department’s internal investigation was admissible for the  
25 purpose of impeaching the witness in accordance with Federal Rule of Evidence  
26 801(d)); *Gonzalez v. Olson*, 11 C 8356, 2015 WL 3671641, at \*17 (N.D. Ill. June 12,  
27 2015) (“Prior statements made as part of the [ ] investigation may be used for  
28 impeachment or as a party admission when appropriate.”); *United States v.*

1 *Rubin/Chambers, Dunhill Ins. Servs.*, 828 F. Supp.2d 698, 710 (S.D.N.Y. 2011)  
2 (“Defendants may cross-examine cooperating witness regarding statements they  
3 made during investigatory interviews and may use the notes or reports to refresh  
4 witnesses' recollections.”). Moreover, Defendants experts relied almost exclusively  
5 on the defendant deputies’ statements made pursuant to the administrative/internal  
6 investigation to form their opinions and Plaintiff should be able to cross-examine  
7 Defendants’ experts on the statements they relied on. (*See* Exs. 1, 3 to Le Decl. [Doc.  
8 Nos. 70-1, 70-3]).

9 Defendants’ argument that the deputies’ statements made within the course of  
10 the administrative investigation should be excluded pursuant to *Lybarger v. City of*  
11 *Los Angeles*, 40 Cal. 3d 822 (1984) is unpersuasive. As one district court noted in  
12 rejecting a similar argument, “[t]he Fifth Amendment’s privilege against self-  
13 incrimination protects an individual from the use of his or her compelled statements  
14 in any subsequent criminal proceeding. This protection does not extend to the use of  
15 compelled statements in a civil proceeding.” *Phillips v. Bratton*, No. CV 07-873 CAS  
16 (VBKX), 2008 WL 11409876, at \*4 (C.D. Cal. Jan. 28, 2008); *see Estate of Bui v.*  
17 *City of Westminster Police Dep’t*, 244 F.R.D. 591, 595 (C.D. Cal. 2007) (Fifth  
18 Amendment privilege cannot be used to prevent use of an officer’s compelled  
19 statement in a civil rights action).

20 Additionally, Defendants seek to exclude any and all references to the  
21 administrative investigation, arguing the investigation constitutes a remedial measure  
22 which is prohibited by Rule 407. However, courts have made the distinction between  
23 an investigation that precedes a disciplinary process and the actual discipline, finding  
24 that only the actual discipline constitutes a remedial measure. *See Aguilar v. City of*  
25 *Los Angeles*, 853 F. App’x 92, 95 (9th Cir. 2021) (LAPD in-custody death  
26 investigation was not a disciplinary proceeding nor did it prompt any disciplinary  
27 action or policy changes and thus did not constitute a remedial measure for  
28 exclusion); *Aranda v. City of McMinnville*, 942 F. Supp. 2d 1096, 1103 (D. Or. 2013)

1 (denying motion to strike Use of Force Review because “[t]here is a  
2 distinction...between the actual disciplining of officers for their conduct, which could  
3 constitute a remedial measure, and the investigation that precedes a disciplinary  
4 process”); *Willis v. Vasquez*, No. LACV1007390JAKDTBX, 2014 WL 12596313, at  
5 \*11 (C.D. Cal. Apr. 1, 2014) (finding report conducted for the purpose of  
6 investigating inappropriate use of force in LA County jails and recommending  
7 remedial measures was not evidence of a remedial measure); *see also Howard v. City*  
8 *of Los Angeles*, No. CV 14-3687 SS, 2017 WL 11682193, at \*13 (C.D. Cal. Feb. 21,  
9 2017) (“Maddox does not stand for the proposition that evidence of internal affairs  
10 investigations or other police reports are categorically inadmissible in all civil rights  
11 cases.”). There is no evidence that any remedial or disciplinary action was taken after  
12 LASD’s investigation into this incident, thus, Plaintiff does not intend on introducing  
13 any evidence of remedial measures. On the other side of the coin, since Plaintiff does  
14 not intend on introducing evidence or making any arguments regarding remedial  
15 measures, Defendants should be precluded from introducing evidence or making  
16 references or arguments to any findings by LASD or the district attorneys’ office that  
17 the defendant deputies’ conduct was not criminal, was justified, or was within policy.

18 Defendants’ argument that evidence or references to the administrative/internal  
19 investigation should be excluded based on privilege and confidentiality under various  
20 California statutes is also unavailing. “In cases involving section 1983 claims, courts  
21 have repeatedly held that police personnel files and documents are relevant and  
22 discoverable.” *Green v. Baca*, 226 F.R.D. 624, 644 (C.D. Cal. 2005). Moreover,  
23 documents related to an officer-involved shooting, including investigations,  
24 statements, and findings, are no longer privileged under California law pursuant to  
25 California Penal Code section 832.7(b). Penal Code section 832.7(b) requires that any  
26 peace officer personnel record relating to the report, investigation or findings of “an  
27 incident involving the discharge of a firearm at a person by a peace officer or  
28 custodial officer [and/or]...[a]n incident in which the use of force by a peace officer

1 or custody officer against a person resulted in death, or in great bodily injury” be  
2 made available for public inspection. These records include:

3 [A]ll investigative reports; photographic, audio, and video evidence;  
4 transcripts or recordings of interviews; autopsy reports; all materials  
5 compiled and presented for review to the district attorney or to any  
6 person or body charged with determining whether to file criminal  
7 charges against an officer in connection with an incident, or whether  
8 the officer’s action was consistent with law and agency policy for  
9 purposes of discipline or administrative action, or what discipline to  
10 impose or corrective action to take; documents setting forth findings or  
11 recommended findings; and copies of disciplinary records relating to  
12 the incident, including any letters of intent to impose discipline, any  
13 documents reflecting modifications of discipline due to the Skelly or  
14 grievance process, and letters indicating final imposition of discipline  
15 or other documentation reflecting implementation of corrective action.

16 Cal. Penal Code § 832.7(b)(2). Thus, Defendants cannot argue that that the  
17 administrative/internal investigation should be excluded on the basis of confidentiality  
18 or privilege.

### 19 **III. CONCLUSION**

20 For the foregoing reasons, the Court should deny Defendants’ Motion in  
21 Limine to preclude Plaintiff from introducing evidence of other claims, lawsuits,  
22 settlements, verdicts, judgments, complaints, administrative investigations or  
23 proceedings, and/or other alleged incidents concerning Defendants or other law  
24 enforcement and the Los Angeles Sheriff’s Department and to exclude any and all  
25 evidence and references to the administrative/internal investigation of this incident in  
26 its entirety.

27 //

28 //

//

//

//

//

1 Respectfully submitted,

2  
3 DATED: January 12, 2026

LAW OFFICES OF DALE K. GALIPO

4  
5 By                     /s/ *Hang D. Le*                    

6 Dale K. Galipo

7 Hang D. Le

8 Attorneys for Plaintiff  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28